

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEORGE EDWARD McCain, an individual,	:	
	:	
Plaintiff,	:	<u>ANSWER OF DEFENDANT BEA SYSTEMS, INC.</u>
	:	
v.	:	
	:	
RAHAL LETTERMAN RACING, LLC, an Ohio limited liability co., et al.,	:	
	:	
Defendants.	:	

Defendant, BEA Systems, Inc. ("Defendant"), for its Answer to the Complaint ("Complaint") filed by Plaintiff George Edward McCain ("Plaintiff") responds as follows:

FIRST DEFENSE

1. Paragraph 1 of Plaintiff's Complaint does not contain any allegations that Defendant is capable of admitting or denying.

2. Paragraph 2 of Plaintiff's Complaint does not contain any allegations that Defendant is capable of admitting or denying, constituting legal assertions. To the extent Paragraph 2 contains any allegations that Defendant is capable of admitting or denying, Defendant denies the same.

3. Paragraph 3 of Plaintiff's Complaint does not contain any allegations that Defendant is capable of admitting or denying, constituting legal assertions. To the extent Paragraph 3 contains any allegations that Defendant is capable of admitting or denying, Defendant denies the same.

4. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 4 of Plaintiff's Complaint and, therefore, denies the same.

5. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 5 of Plaintiff's Complaint and, therefore, denies the same.

6. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 6 of Plaintiff's Complaint and, therefore, denies the same.

7. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 7 of Plaintiff's Complaint and, therefore, denies the same.

8. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 8 of Plaintiff's Complaint and, therefore, denies the same.

9. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 9 of Plaintiff's Complaint and, therefore, denies the same.

10. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 10 of Plaintiff's Complaint and, therefore, denies the same.

11. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 11 of Plaintiff's Complaint and, therefore, denies the same.

12. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 12 of Plaintiff's Complaint and, therefore, denies the same.

13. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 13 of Plaintiff's Complaint and, therefore, denies the same.

14. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 14 of Plaintiff's Complaint and, therefore, denies the same.

15. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 15 of Plaintiff's Complaint and, therefore, denies the same.

16. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 16 of Plaintiff's Complaint and, therefore, denies the same.

17. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 17 of Plaintiff's Complaint and, therefore, denies the same.

18. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 18 of Plaintiff's Complaint and, therefore, denies the same.

19. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 19 of Plaintiff's Complaint and, therefore, denies the same.

20. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 20 of Plaintiff's Complaint and, therefore, denies the same.

21. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 21 of Plaintiff's Complaint and, therefore, denies the same.

22. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 22 of Plaintiff's Complaint and, therefore, denies the same.

23. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 23 of Plaintiff's Complaint and, therefore, denies the same.

24. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 24 of Plaintiff's Complaint and, therefore, denies the same.

25. With respect to Paragraph 25 of Plaintiff's Complaint, Defendant admits that it is a Delaware corporation with a principal place of business located at 2315 N. First St., San Jose, CA 95131. Defendant admits that it is a world leader in enterprise infrastructure software. Defendant denies that it has 78 offices in 37 countries. Defendant admits that it conducts business with companies throughout New York, including New York City. The

remaining allegations constitute conclusions of law to which no response is required. To the extent they do not constitute conclusions of law or a response is otherwise required, Defendant denies these allegations.

26. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 26 of Plaintiff's Complaint and, therefore, denies the same.

27. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 27 of Plaintiff's Complaint and, therefore, denies the same.

28. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 28 of Plaintiff's Complaint and, therefore, denies the same.

29. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 29 of Plaintiff's Complaint and, therefore, denies the same.

30. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 30 of Plaintiff's Complaint and, therefore, denies the same.

31. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 31 of Plaintiff's Complaint and, therefore, denies the same.

32. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 32 of Plaintiff's Complaint and, therefore, denies the same.

33. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 33 of Plaintiff's Complaint and, therefore, denies the same.

34. Paragraph 34 does not contain any allegations that Defendant is capable of admitting or denying.

35. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 35 of Plaintiff's Complaint and, therefore, denies the same.

36. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 36 of Plaintiff's Complaint and, therefore, denies the same.

37. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 37 of Plaintiff's Complaint and, therefore, denies the same.

38. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 38 of Plaintiff's Complaint and, therefore, denies the same.

39. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 39 of Plaintiff's Complaint and, therefore, denies the same.

40. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 40 of Plaintiff's Complaint and, therefore, denies the same.

41. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 41 of Plaintiff's Complaint and, therefore, denies the same.

42. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 42 of Plaintiff's Complaint and, therefore, denies the same.

43. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 43 of Plaintiff's Complaint and, therefore, denies the same.

44. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 44 of Plaintiff's Complaint and, therefore, denies the same.

45. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 45 of Plaintiff's Complaint and, therefore, denies the same.

46. Paragraph 46 does not contain allegations that Defendant is capable of admitting or denying.

47. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 47 of Plaintiff's Complaint and, therefore, denies the same.

48. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 48 of Plaintiff's Complaint and, therefore, denies the same.

49. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 49 of Plaintiff's Complaint and, therefore, denies the same.

50. Paragraph 50 does not contain allegations that Defendant is capable of admitting or denying.

51. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 51 of Plaintiff's Complaint and, therefore, denies the same.

52. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 52 of Plaintiff's Complaint and, therefore, denies the same.

53. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 53 of Plaintiff's Complaint and, therefore, denies the same.

54. Paragraph 54 does not contain allegations that Defendant is capable of admitting or denying.

55. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 55 of Plaintiff's Complaint and, therefore, denies the same.

56. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 56 of Plaintiff's Complaint and, therefore, denies the same.

57. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 57 of Plaintiff's Complaint and, therefore, denies the same.

58. Paragraph 58 does not contain allegations that Defendant is capable of admitting or denying.

59. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 59 of Plaintiff's Complaint and, therefore, denies the same.

60. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 60 of Plaintiff's Complaint and, therefore, denies the same.

61. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 61 of Plaintiff's Complaint and, therefore, denies the same.

62. Paragraph 62 does not contain allegations that Defendant is capable of admitting or denying.

63. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 63 of Plaintiff's Complaint and, therefore, denies the same.

64. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 64 of Plaintiff's Complaint and, therefore, denies the same.

65. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 65 of Plaintiff's Complaint and, therefore, denies the same.

66. Paragraph 66 does not contain allegations that Defendant is capable of admitting or denying.

67. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 67 of Plaintiff's Complaint and, therefore, denies the same.

68. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 68 of Plaintiff's Complaint and, therefore, denies the same.

69. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 69 of Plaintiff's Complaint and, therefore, denies the same.

70. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 70 of Plaintiff's Complaint and, therefore, denies the same.

71. Paragraph 71 does not contain allegations that Defendant is capable of admitting or denying.

72. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 72 of Plaintiff's Complaint and, therefore, denies the same.

73. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 73 of Plaintiff's Complaint and, therefore, denies the same.

74. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 74 of Plaintiff's Complaint and, therefore, denies the same.

75. Paragraph 75 does not contain allegations that Defendant is capable of admitting or denying.

76. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 76 of Plaintiff's Complaint and, therefore, denies the same.

77. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 77 of Plaintiff's Complaint and, therefore, denies the same.

78. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 78 of Plaintiff's Complaint and, therefore, denies the same.

79. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 79 of Plaintiff's Complaint and, therefore, denies the same.

80. Paragraph 80 does not contain allegations that Defendant is capable of admitting or denying.

81. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 81 of Plaintiff's Complaint and, therefore, denies the same.

82. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 82 of Plaintiff's Complaint and, therefore, denies the same.

83. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 83 of Plaintiff's Complaint and, therefore, denies the same.

84. Paragraph 84 does not contain allegations that Defendant is capable of admitting or denying.

85. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 85 of Plaintiff's Complaint and, therefore, denies the same.

86. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 86 of Plaintiff's Complaint and, therefore, denies the same.

87. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 87 of Plaintiff's Complaint and, therefore, denies the same.

88. Paragraph 88 does not contain allegations that Defendant is capable of admitting or denying.

89. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 89 of Plaintiff's Complaint and, therefore, denies the same.

90. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 90 of Plaintiff's Complaint and, therefore, denies the same.

91. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 91 of Plaintiff's Complaint and, therefore, denies the same.

92. Paragraph 92 does not contain allegations that Defendant is capable of admitting or denying.

93. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 93 of Plaintiff's Complaint and, therefore, denies the same.

94. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 94 of Plaintiff's Complaint and, therefore, denies the same.

95. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 95 of Plaintiff's Complaint and, therefore, denies the same.

96. Paragraph 96 does not contain allegations that Defendant is capable of admitting or denying.

97. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 97 of Plaintiff's Complaint and, therefore, denies the same.

98. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 98 of Plaintiff's Complaint and, therefore, denies the same.

99. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 99 of Plaintiff's Complaint and, therefore, denies the same.

100. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 100 of Plaintiff's Complaint and, therefore, denies the same.

101. Paragraph 101 does not contain allegations that Defendant is capable of admitting or denying.

102. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 102 of Plaintiff's Complaint and, therefore, denies the same.

103. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 103 of Plaintiff's Complaint and, therefore, denies the same.

104. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 104 of Plaintiff's Complaint and, therefore, denies the same.

105. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 105 of Plaintiff's Complaint and, therefore, denies the same.

106. Paragraph 106 does not contain allegations that Defendant is capable of admitting or denying.

107. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 107 of Plaintiff's Complaint and, therefore, denies the same.

108. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 108 of Plaintiff's Complaint and, therefore, denies the same.

109. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 109 of Plaintiff's Complaint and, therefore, denies the same.

110. Paragraph 110 does not contain allegations that Defendant is capable of admitting or denying.

111. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 111 of Plaintiff's Complaint and, therefore, denies the same.

112. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 112 of Plaintiff's Complaint and, therefore, denies the same.

113. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 113 of Plaintiff's Complaint and, therefore, denies the same.

114. Paragraph 114 does not contain allegations that Defendant is capable of admitting or denying.

115. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 115 of Plaintiff's Complaint and, therefore, denies the same.

116. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 116 of Plaintiff's Complaint and, therefore, denies the same.

117. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 117 of Plaintiff's Complaint and, therefore, denies the same.

118. Paragraph 118 does not contain allegations that Defendant is capable of admitting or denying.

119. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 119 of Plaintiff's Complaint and, therefore, denies the same.

120. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 120 of Plaintiff's Complaint and, therefore, denies the same.

121. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 121 of Plaintiff's Complaint and, therefore, denies the same.

122. Paragraph 122 does not contain allegations that Defendant is capable of admitting or denying.

123. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 123 of Plaintiff's Complaint and, therefore, denies the same.

124. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 124 of Plaintiff's Complaint and, therefore, denies the same.

125. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 125 of Plaintiff's Complaint and, therefore, denies the same.

126. Paragraph 126 does not contain allegations that Defendant is capable of admitting or denying.

127. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 127 of Plaintiff's Complaint and, therefore, denies the same.

128. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 128 of Plaintiff's Complaint and, therefore, denies the same.

129. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 129 of Plaintiff's Complaint and, therefore, denies the same.

130. Paragraph 130 does not contain allegations that Defendant is capable of admitting or denying.

131. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 131 of Plaintiff's Complaint and, therefore, denies the same.

132. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 132 of Plaintiff's Complaint and, therefore, denies the same.

133. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 133 of Plaintiff's Complaint and, therefore, denies the same.

134. Paragraph 134 does not contain allegations that Defendant is capable of admitting or denying.

135. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 135 of Plaintiff's Complaint and, therefore, denies the same.

136. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 136 of Plaintiff's Complaint and, therefore, denies the same.

137. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 137 of Plaintiff's Complaint and, therefore, denies the same.

138. Paragraph 138 does not contain allegations that Defendant is capable of admitting or denying.

139. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 139 of Plaintiff's Complaint and, therefore, denies the same.

140. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 140 of Plaintiff's Complaint and, therefore, denies the same.

141. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 141 of Plaintiff's Complaint and, therefore, denies the same.

142. Paragraph 142 does not contain allegations that Defendant is capable of admitting or denying.

143. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 143 of Plaintiff's Complaint and, therefore, denies the same.

144. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 144 of Plaintiff's Complaint and, therefore, denies the same.

145. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 145 of Plaintiff's Complaint and, therefore, denies the same.

146. Paragraph 146 does not contain allegations that Defendant is capable of admitting or denying.

147. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 147 of Plaintiff's Complaint and, therefore, denies the same.

148. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 148 of Plaintiff's Complaint and, therefore, denies the same.

149. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 149 of Plaintiff's Complaint and, therefore, denies the same.

150. Paragraph 150 does not contain allegations that Defendant is capable of admitting or denying.

151. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 151 of Plaintiff's Complaint and, therefore, denies the same.

152. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 152 of Plaintiff's Complaint and, therefore, denies the same.

153. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 153 of Plaintiff's Complaint and, therefore, denies the same.

154. Paragraph 154 does not contain allegations that Defendant is capable of admitting or denying.

155. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 155 of Plaintiff's Complaint and, therefore, denies the same.

156. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 156 of Plaintiff's Complaint and, therefore, denies the same.

157. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 157 of Plaintiff's Complaint and, therefore, denies the same.

158. Paragraph 158 does not contain allegations that Defendant is capable of admitting or denying.

159. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 159 of Plaintiff's Complaint and, therefore, denies the same.

160. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 160 of Plaintiff's Complaint and, therefore, denies the same.

161. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 161 of Plaintiff's Complaint and, therefore, denies the same.

162. Paragraph 162 does not contain allegations that Defendant is capable of admitting or denying.

163. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 163 of Plaintiff's Complaint and, therefore, denies the same.

164. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 164 of Plaintiff's Complaint and, therefore, denies the same.

165. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 165 of Plaintiff's Complaint and, therefore, denies the same.

166. Paragraph 166 does not contain allegations that Defendant is capable of admitting or denying.

167. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 167 of Plaintiff's Complaint and, therefore, denies the same.

168. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 168 of Plaintiff's Complaint and, therefore, denies the same.

169. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 169 of Plaintiff's Complaint and, therefore, denies the same.

170. Paragraph 170 does not contain allegations that Defendant is capable of admitting or denying.

171. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 171 of Plaintiff's Complaint and, therefore, denies the same.

172. Defendant denies that it reproduced or distributed any photograph without appropriate and necessary permissions. Defendant lacks information sufficient to ascertain the truth of the remaining allegations, and on this basis, denies these allegations.

173. Defendant denies the allegations contained in Paragraph 173 of Plaintiff's Complaint.

174. Paragraph 174 does not contain allegations that Defendant is capable of admitting or denying.

175. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 175 of Plaintiff's Complaint and, therefore, denies the same.

176. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 176 of Plaintiff's Complaint and, therefore, denies the same.

177. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 177 of Plaintiff's Complaint and, therefore, denies the same.

178. Paragraph 178 does not contain allegations that Defendant is capable of admitting or denying.

179. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 179 of Plaintiff's Complaint and, therefore, denies the same.

180. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 180 of Plaintiff's Complaint and, therefore, denies the same.

181. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 181 of Plaintiff's Complaint and, therefore, denies the same.

182. Paragraph 182 does not contain allegations that Defendant is capable of admitting or denying.

183. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 183 of Plaintiff's Complaint and, therefore, denies the same.

184. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 184 of Plaintiff's Complaint and, therefore, denies the same.

185. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 185 of Plaintiff's Complaint and, therefore, denies the same.

186. Paragraph 186 does not contain allegations that Defendant is capable of admitting or denying.

187. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 187 of Plaintiff's Complaint and, therefore, denies the same.

188. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 188 of Plaintiff's Complaint and, therefore, denies the same.

189. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 189 of Plaintiff's Complaint and, therefore, denies the same.

190. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 190 of Plaintiff's Complaint and, therefore, denies the same.

191. Paragraph 191 does not contain allegations that Defendant is capable of admitting or denying.

192. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 192 of Plaintiff's Complaint and, therefore, denies the same.

193. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 193 of Plaintiff's Complaint and, therefore, denies the same.

194. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 194 of Plaintiff's Complaint and, therefore, denies the same.

195. Paragraph 195 does not contain allegations that Defendant is capable of admitting or denying.

196. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 196 of Plaintiff's Complaint and, therefore, denies the same.

197. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 197 of Plaintiff's Complaint and, therefore, denies the same.

198. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 198 of Plaintiff's Complaint and, therefore, denies the same.

199. Paragraph 199 does not contain allegations that Defendant is capable of admitting or denying.

200. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 200 of Plaintiff's Complaint and, therefore, denies the same.

201. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 201 of Plaintiff's Complaint and, therefore, denies the same.

202. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 202 of Plaintiff's Complaint and, therefore, denies the same.

203. Paragraph 203 does not contain allegations that Defendant is capable of admitting or denying.

204. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 204 of Plaintiff's Complaint and, therefore, denies the same.

205. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 205 of Plaintiff's Complaint and, therefore, denies the same.

206. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 206 of Plaintiff's Complaint and, therefore, denies the same.

207. Paragraph 207 does not contain allegations that Defendant is capable of admitting or denying.

208. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 208 of Plaintiff's Complaint and, therefore, denies the same.

209. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 209 of Plaintiff's Complaint and, therefore, denies the same.

210. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 210 of Plaintiff's Complaint and, therefore, denies the same.

211. Paragraph 211 does not contain allegations that Defendant is capable of admitting or denying.

212. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 212 of Plaintiff's Complaint and, therefore, denies the same.

213. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 213 of Plaintiff's Complaint and, therefore, denies the same.

214. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 214 of Plaintiff's Complaint and, therefore, denies the same.

215. Paragraph 215 does not contain allegations that Defendant is capable of admitting or denying.

216. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 216 of Plaintiff's Complaint and, therefore, denies the same.

217. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 217 of Plaintiff's Complaint and, therefore, denies the same.

218. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 218 of Plaintiff's Complaint and, therefore, denies the same.

219. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 219 of Plaintiff's Complaint and, therefore, denies the same.

220. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 220 of Plaintiff's Complaint and, therefore, denies the same.

221. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 221 of Plaintiff's Complaint and, therefore, denies the same.

SECOND DEFENSE

222. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

223. Plaintiff has failed to join necessary parties.

FOURTH DEFENSE

224. Plaintiff's Complaint is barred by the doctrines of unclean hands, laches, and bad faith.

FIFTH DEFENSE

225. Plaintiff's claims are barred to the extent the alleged conduct is protected by the First Amendment to the United States Constitution or by the fair use doctrine embodied in the copyright laws of the United States.

SIXTH DEFENSE

226. Without admitting any of the claims contained in Plaintiff's Complaint, to the extent Defendant has infringed any copyright owned by the Plaintiff, such infringement was innocent.

SEVENTH DEFENSE

227. Plaintiff's Complaint was brought in an improper venue.

EIGHTH DEFENSE

228. Plaintiff's Complaint is barred by lack of jurisdiction.

NINTH DEFENSE

229. Plaintiff's Complaint is barred by insufficiency of process.

TENTH DEFENSE

230. Plaintiff's Complaint is barred by insufficiency of service of process.

ELEVENTH DEFENSE

231. Plaintiff's Complaint is barred by the doctrine of good faith and fair dealing.

TWELFTH DEFENSE

232. Defendant gives notice that it intends to rely on and utilize other defenses as they become available and/or apparent during discovery and hereby reserves the right to amend this Answer to assert such defenses.

WHEREFORE, Defendant respectfully requests that the Court dismiss the Complaint and award Defendant its costs, attorneys fees, and any other relief as this Court deems just and proper.

By: /s/ H. Ritchey Hollenbaugh

H. Ritchey Hollenbaugh
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Letterman Racing, Bobby Rahal
Automotive Group, Norwalk
Furniture Corporation, F1 Marketing
Group, Inc., Bridgestone Firestone
North American Tire, LLC, a
successor to Bridgestone/Firestone
Inc., Logicalis, Inc., Pioneer
Electronics (USA), Inc., BEA Systems,
Inc., and American Honda Motor Co.,
Inc..

DECLARATION OF SERVICE

Rebecca M. Swoager, herby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

I am a Litigation Paralegal at the law firm of Carlile Patchen & Murphy LLP, attorneys for Defendants Rahal Letterman Racing LLC, Bobby Rahal Automotive Group, Norwalk Furniture Corporation, F1 Marketing Group, Inc., Bridgestone Firestone North American Tire, LLC, a successor to Bridgestone/Firestone Inc., Logicalis, Inc., Pioneer Electronics (USA), Inc., BEA Systems, Inc., and American Honda Motor Co., Inc.

That on August 24, 2007, I served a true copy of the attached Answer of BEA Systems, Inc. on counsel of record via the Court's ECF System and via First Class Mail to any party not listed on the Court's ECF System, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2007.

/s/ Rebecca M. Swoager
Rebecca M. Swoager

TO: All counsel of record.